

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

GREGORY L. RHOADES,	)	NO. 1:02-CV-5476-AWI DLB (P)
	)	
Plaintiff,	)	ORDER VACATING HEARING
	)	DATE OF NOVEMBER 23, 2009
v.	)	AND TAKING MATTER
	)	UNDER SUBMISSION
ALAMEIDA, et al.,	)	
	)	
Defendants.	)	
_____	)	

Defendant has noticed for hearing and decision a motion for judgment as a matter of law. The matter was scheduled for hearing to be held on November 23, 2009. Pursuant to Local Rule 78-230(c), Plaintiff was required to file either an opposition or a notice of non-opposition no later than November 9, 2009. Plaintiff failed to do so.

Due to Plaintiff's failure to file a timely opposition or notice of non-opposition, he is in violation of the Local Rules. See 78-230(c). Plaintiff is further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The court has reviewed Defendant's motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

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1           Therefore, IT IS HEREBY ORDERED that the previously set hearing date of November  
2 23, 2009, is VACATED, and no party shall appear at that time. As of November 23, 2009, the  
3 court will take the matter under submission, and will thereafter issue its decision.

4  
5 IT IS SO ORDERED.

6 **Dated: November 18, 2009**

**/s/ Anthony W. Ishii**  
**CHIEF UNITED STATES DISTRICT JUDGE**